

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:03CR3080
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
STEPHEN H. APPLETON,)	
)	
Defendant.)	

This matter comes on to consider the government's request for hearing on Rule 35(b) motion (filing 27). Having considered the matter,

IT IS ORDERED that:

(1) The government's request for hearing on Rule 35(b) motion (filing 27) is granted;

(2) A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (filing 25) has been set before the undersigned United States district judge at 1:15 p.m., Tuesday, October 11, 2005, in Courtroom No. 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska;

(3) At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion;

(4) The Marshal is directed not to return the defendant to the district; and

(5) The defendant is held to have waived his right to be present.

September 26, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge